

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

VICTOR L. CONEY,)
)
Plaintiff,)
)
v.) CV 317-067
)
LAURENS COUNTY SHERIFF)
DEPARTMENT; DANIEL LAMPP, Deputy)
Sheriff; STEVEN CADY, Deputy Sheriff;)
SHERRY MANGUM, Deputy Sheriff;)
WILSON BUSH, Deputy Sheriff; and)
DEIDRE BYRD, Investigator,)
)
Defendants.)

— — — — —)
)
VICTOR L. CONEY,)
)
Plaintiff,)
)
v.) CV 317-071
)
LAURENS COUNTY SHERIFF)
DEPARTMENT; DANIEL LAMPP, Deputy)
Sheriff; STEVEN CADY, Deputy Sheriff;)
SHERRY MANGUM, Deputy Sheriff;)
WILSON BUSH, Deputy Sheriff; and)
DEIDRE BYRD, Investigator,)
)
Defendants.)

ORDER

On December 15, 2017, Victor L. Coney, currently detained at the Laurens County Jail in Dublin, Georgia, filed a complaint pursuant to 42 U.S.C. § 1983 against the Laurens County

Sheriff Department, Deputy Sheriff Daniel Lampp, Deputy Sheriff Steven Cady, Deputy Sheriff Sherry Mangum, Deputy Sheriff Wilson Bush, and Investigator Deidre Byrd. CV 317-067, doc. no. 1. Plaintiff also moved to proceed *in forma pauperis* (“IFP”). Id., doc. no. 2. The case, assigned Civil Action Number 317-067, raises three claims related to Plaintiff’s arrest on October 29, 2015 and subsequent detainment in Laurens County Jail: (1) false arrest; (2) false imprisonment; and (3) illegal search and seizure. Id., doc. no. 1. The accompanying IFP motion only contained the first page, so the Clerk of Court sent Plaintiff a deficiency notice requiring Plaintiff return a signed and completed IFP motion within fourteen days. Id., doc. no. 3. On January 16, 2018, the deficiency notice was returned as undeliverable. Id., doc. no. 4.

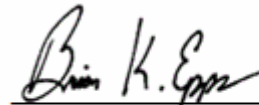
On December 20, 2018, U.S. Magistrate Judge G.R. Smith reassigned another case filed by Plaintiff from the Savannah Division to the Dublin Division. CV 317-071, doc. no. 6. Plaintiff’s complaint in that case was also pursuant to 42 U.S.C. § 1983 against the Laurens County Sheriff Department, Deputy Sheriff Daniel Lampp, Deputy Sheriff Steven Cady, Deputy Sheriff Sherry Mangum, Deputy Sheriff Wilson Bush, and Investigator Deidre Byrd, and he also moved to proceed IFP. Id., doc. nos. 1, 2. That action also raised the same three claims related to Plaintiff’s arrest on October 29, 2015 and subsequent detainment in Laurens County Jail: (1) false arrest; (2) false imprisonment; and (3) illegal search and seizure. Id., doc. no. 1. The Clerk of Court opened the transferred case was opened in the Dublin Division and assigned Civil Action Number 317-071. Based on the signature date on the complaint in Civil Action Number 317-067, it is not entirely clear Plaintiff received the Court’s Order reassigning Civil Action Number 317-071 to the Dublin Division at the time he submitted Civil Action Number 317-067.

Because Plaintiff filed the same case twice the Court hereby **DIRECTS** the Clerk of

Court to **CLOSE** Civil Action Number 317-071. Plaintiff's request to proceed IFP in that case is **DENIED AS MOOT**. The second case shall not be counted against Plaintiff as a strike under 28 U.S.C. § 1915(g).

Plaintiff's claims for relief shall proceed under Civil Action Number 317-067. As the deficiency notice was returned as undeliverable but Plaintiff subsequently filed a change of address¹ (see CV 317-067, doc. nos. 4, 5), the Court **DIRECTS** the **CLERK** to re-serve the deficiency notice on Plaintiff at the Laurens County Jail. Id., doc. no. 3. Plaintiff shall have fourteen days to comply with the Clerk's deficiency notice. The failure to do so will result in a recommendation to the presiding District Judge that this case be dismissed without prejudice.

SO ORDERED this 25th day of January, 2018, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹The Clerk of Court docketed Plaintiff's Notice of Change of Address and changed Plaintiff's address in CV 317-067 but not CV 317-071. The Court **DIRECTS** the **CLERK** to update the docket in both cases to reflect that Plaintiff's address is now the Laurens County Jail.